

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Washington D.C. 20231
United States of America

in its capacity as elected Office

Date of mailing: 31 August 1995 (31.08.95)	
International application No.: PCT/AU95/00086	Applicant's or agent's file reference: 66652
International filing date: 23 February 1995 (23.02.95)	Priority date: 25 February 1994 (25.02.94)
Applicant: ANDERSON, Sandra, Doreen	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
08 August 1995 (08.08.95)☐ in a notice effecting later election filed with the International Bureau on:
_____2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer:

J. Zahra

Telephone No.: (41-22) 730.91.11

PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
DOCUMENT TRANSMITTED

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Date of mailing (day/month/year)

08 December 1995 (08.12.95)

International application No.

PCT/AU95/00086

International filing date (day/month/year)

23 February 1995 (23.02.95)

Applicant

CENTRAL SYDNEY AREA HEALTH SERVICE et al

The International Bureau transmits herewith the following documents and number thereof:

_____ copy of the international preliminary examination report (Article 36(3)(a))

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

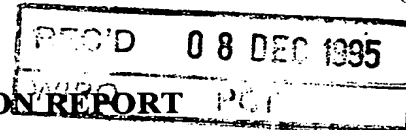
Authorized officer

S. Mafla

Telephone No.: (41-22) 730.91.11

23

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 66652	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU 95/00086	International filing date 23 February 1995	Priority Date 25 February 1994
International Patent Classification (IPC) or national classification and IPC Int. Cl.⁶ A61K 49/00 // 9/72, 33/14, 31/70		
Applicant (1) CENTRAL SYDNEY AREA HEALTH SERVICE (2) ANDERSON S.D.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	This REPORT consists of a total of 3 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s).																								
3.	This report contains indications relating to the following items: <table style="width: 100%;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
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Date of submission of the demand 8 August 1995	Date of completion of the report 1 December 1995
Name and mailing address of the IPEA/AU AUSTRALIAN INDUSTRIAL PROPERTY ORGANISATION PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (06) 285 3929	Authorized Officer DOUGLAS THWAITES Telephone No. (06) 283 2265

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-21, as originally filed,
pages , filed with the demand,
pages , filed with the letter of ,
pages , filed with the letter of .

☒ the claims, Nos. 1-21, as originally filed,
Nos. , as amended under Article 19,
Nos. , filed with the demand,
Nos. , filed with the letter of ,
Nos. , filed with the letter of .

☒ the drawings, sheets/fig 1-4, as originally filed,
sheets/fig , filed with the demand,
sheets/fig , filed with the letter of ,
sheets/fig , filed with the letter of .

2. The amendments have resulted in the cancellation of:

☐ the description, pages

☒ the claims, Nos. 22-30

☐ the drawings, sheets/fig

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

Please note that claims 1 to 21 are subject matters of rule 67.1 (method of treatments of humans) and as such do not require an international preliminary examination. However, because the subject matter does not contravene Australian law these claims have been examined.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-21	YES
	Claims	NO
Inventive step (IS)	Claims 1-21	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-21	YES
	Claims	NO

2. Citations and explanations

The present invention relates to dry powdered substances inhaled to provoke narrowing and mucociliary clearance of the airways. The substances achieve this effect by altering the osmolarity of the airway surface liquid. Examples of these substances include mineral salts, sugars and sugar alcohols.

Australian application AU 27462/92 discloses a liquid salt (NaCl) solution to be inhaled for treating asthma and allergies. Similar disclosures are made in Remington and DE 3518665. The use of salt solutions to treat asthma and allergies is known.

The present invention is directed towards a dry salt for provoking narrowing of the airways and for increasing mucociliary clearance. This appears to be a sufficient distinction from the prior art. The present invention is therefore regarded as novel and inventive.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 95/00086

A. CLASSIFICATION OF SUBJECT MATTER Int. Cl. ⁶ A61K 49/00 // 9/72, 33/14, 31/70 According to International Patent Classification (IPC) or to both national classification and IPC				
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) A61K 49/00 NaCl, Sodium()chloride, KCl, Potassium()chloride, Mannitol#, Sugar#, Salt#, Dextrose#, Powder#, Particle#, Dust#, Micron:, Particulate#, Inhale#, Inhalation, Breath, Respirable, Asthma:, Respirat:, Pulmon:, Lung#, Bronch:, Airway# Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base, and where practicable, search terms used) DERWENT: WPAT, CASM				
C. DOCUMENTS CONSIDERED TO BE RELEVANT				
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to Claim No.		
X	AU 71645/87 A1 (CHIESI FARMACEUTICI S.P.A.) 11 September 1987, page 2 line 9 to page 3 line 10, page 6 lines 9 to 15	22-30		
X	AU 27462/92 A1 (KENNETH ROY HANSON) 6 May 1993, whole document	12-21		
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X	AU 71559/91 A1 (NATIONAL RESEARCH DEVELOPMENT CORPORATION) 8 August 1991, page 2 lines 28 to 30, page 7 lines 1 to 3, claims 3 and 20	22-30		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> See patent family annex. </div> </div>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>* Special categories of cited documents :</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </td> <td style="width: 50%; vertical-align: top;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle of theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p> </td> </tr> </table>			<p>* Special categories of cited documents :</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p>	<p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle of theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p>
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Date of the actual completion of the international search 2 May 1995		Date of mailing of the international search report 13 JUNE 1995 (13.06.95)		
Name and mailing address of the ISA/AU AUSTRALIAN INDUSTRIAL PROPERTY ORGANISATION PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. 06 2853929		Authorized officer DOUGLAS THWAITES Telephone No. (06) 2832265		

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 95/00086

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate of the relevant passages	Relevant to Claim No.
X	EP 177783 A2 (KANTO ISHI PHARMACEUTICAL CO LTD) 16 April 1986, page 5 lines 5 to 9	22-30
X	DE 3518665 C2 (HÖLTER, HEINZ) 4 December 1986, whole document	12-21
X	Remington's pharmaceutical Sciences 17th edition, 1985 Mack Publishing Co, page 1835 column 1, page 1601 column 2.	12-21
A	European Journal of Respiratory Diseases, Vol 66(2), 1985, B.G. Simonsson et al. "Acute and long-term airway hyperreactivity in aluminium-salt exposed workers with nocturnal asthma", whole document	1-30

INTERNATIONAL SEARCH REPORT

Information on patent family member.

PCT/AU 95/00086

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
AU	A 94 62372	WO	9417822				
AU	A 87 71645	CA EP	1297012 258356	DE IT	3787502 1204826	EP	239798
AU	A 92 27462						
AU	A 92 11648	EP CA	496307 2112683	GB	9101592	WO	9212713
AU	A 91 71559	CA GB	2049302 2240337	DE WO	69100792 9111179	EP	464171
EP	177783	CA EP	1246452 429430	DE US	3587587 4698332	EP	177783
END OF ANNEX							

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 66652	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU 95/00086	International filing date 23 February 1995	Priority Date 25 February 1994
International Patent Classification (IPC) or national classification and IPC Int. Cl.⁶ A61K 49/00 // 9/72, 33/14, 31/70		
Applicant (1) CENTRAL SYDNEY AREA HEALTH SERVICE (2) ANDERSON S.D.		

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Date of submission of the demand 8 August 1995	Date of completion of the report 1 December 1995
Name and mailing address of the IPEA/AU AUSTRALIAN INDUSTRIAL PROPERTY ORGANISATION PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (06) 285 3929	Authorized Officer DOUGLAS THWAITES Telephone No. (06) 283 2265

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Please note that claims 1 to 21 are subject matters of rule 67.1 (method of treatments of humans) and as such do not require an international preliminary examination. However, because the subject matter does not contravene Australian law these claims have been examined.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-21	YES
	Claims	NO
Inventive step (IS)	Claims 1-21	YES
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2. Citations and explanations

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 95/00086

A. CLASSIFICATION OF SUBJECT MATTER Int. Cl. ⁶ A61K 49/00 // 9/72, 33/14, 31/70 According to International Patent Classification (IPC) or to both national classification and IPC					
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C. DOCUMENTS CONSIDERED TO BE RELEVANT					
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to Claim No.			
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<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; vertical-align: top;"> <p>* Special categories of cited documents :</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </td> <td style="width: 10%; vertical-align: top; text-align: center;"> <p>"T"</p> <p>"X"</p> <p>"Y"</p> <p>"&"</p> </td> <td style="width: 60%; vertical-align: top;"> <p>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>document member of the same patent family</p> </td> </tr> </table>			<p>* Special categories of cited documents :</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p>	<p>"T"</p> <p>"X"</p> <p>"Y"</p> <p>"&"</p>	<p>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>document member of the same patent family</p>
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Date of the actual completion of the international search 2 May 1995		Date of mailing of the international search report 13 JUNE 1995 (13.06.95)			
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 95/00086

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
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X	DE 3518665 C2 (HÖLTER, HEINZ) 4 December 1986, whole document	12-21
X	Remington's pharmaceutical Sciences 17th edition, 1985 Mack Publishing Co, page 1835 column 1, page 1601 column 2.	12-21
A	European Journal of Respiratory Diseases, Vol 66(2), 1985, B.G. Simonsson et al. "Acute and long-term airway hyperreactivity in aluminium-salt exposed workers with nocturnal asthma", whole document	1-30

INTERNATIONAL SEARCH REPORT

Information on patent family member.

International application No.

PCT/AU 95/00086

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Parent Family Member			
AU	A 94 62372	WO	9417822			
AU	A 87 71645	CA EP	1297012 258356	DE IT	3787502 1204826	EP 239798
AU	A 92 27462					
AU	A 92 11648	EP CA	496307 2112683	GB	9101592	WO 9212713
AU	A 91 71559	CA GB	2049302 2240337	DE WO	69100792 9111179	EP 464171
EP	177783	CA EP	1246452 429430	DE US	3587587 4698332	EP 177783
END OF ANNEX						